

FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 12 2024

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

PAUL W. PARKER, as Personal
Representative of the Estate of Curtis John
Rookaird,

Plaintiff-Appellant,

v.

BNSF RAILWAY COMPANY, a Delaware
corporation,

Defendant-Appellee.

No. 22-35695

D.C. No. 2:14-cv-00176-RAJ
Western District of Washington,
Seattle

ORDER

MURGUIA, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 40(c) and Circuit Rule 40-3. The three-judge panel opinion is vacated.

Judge Christen did not participate in the deliberations or vote in this case.